

SAWRIDGE FIRST NATION

SAWRIDGE SAFE DRINKING WATER ACT

Introduced at a General Assembly Held May 24, 2014

First Reading – May 24, 2014

Second Reading – September 20, 2014

Third Reading – October 25, 2014

Came in to Force – December 24, 2014

Sawridge Safe Drinking Water Act

Preamble

Whereas the health of all its people is a matter of prime concern of the Sawridge First Nation;

Whereas access to safe drinking water is an important factor in good health ;

Whereas the provision of safe drinking water should be made statutory; and

Now Therefore, the Sawridge Assembly hereby passes the following Act.

Short Title

1. This Act may be cited as the Sawridge Safe Drinking Water Act.

Interpretation

2. (1) The following definitions apply in this Act:

“drinking water” means water intended for use by humans for drinking, bathing, cooking, infant formulas, juices, ice, washing foods, dental hygiene, handwashing;

“drinking water system” means a system of works, excluding plumbing, that is established for the purpose of providing users of the system with safe drinking water, including any and all parts for the collection, storage, treatment or distribution of drinking water, and includes a well or intake that serves as the source or entry point of water supply for the system, as well as anything related to the management of residue from the treatment process or the management of the discharge of a substance from the treatment system into the natural environment from the treatment system.

“waste water system” means a system for the collection, treatment or disposal of waste water.

Regulations

(2) The Council of the Sawridge First Nation may make regulations providing the better implementation of this Act, including regulations respecting

(a) the training and certification of operators of drinking water systems and waste water systems;

(b) the protection of sources of drinking water from contamination;

(c) the location, design, construction, modification, maintenance, operation and

- decommissioning of one or more drinking water systems;
- (d) the distribution of drinking water by truck;
- (e) the location, design, construction, modification, maintenance, operation and decommissioning of waste water systems;
- (f) the collection and treatment of waste water;
- (g) the handling, use and disposal of products of waste water treatment;
- (h) the monitoring, sampling and testing of drinking water and the reporting of test results;
- (i) the making of remediation orders if standards established pursuant to this act have not been met; and
- (j) emergency measures in response to the contamination of drinking water or the handling of waste water.

Included powers

3. (1) Regulations made under section 2 may

- (a) specify classes of drinking water systems and waste water systems to which the regulations apply;
- (b) confer on any person or body the power, exercisable in specified circumstances and subject to specified conditions,
 - (i) to make orders to cease any work, comply with any provision of the regulations or remedy the consequences of a failure to comply with the regulations,
- (c) fix, or prescribe the manner of calculating, the fees to be paid to the Sawridge First Nation for the use of a drinking water system or a waste water system, including the rate of interest to be charged on amounts owing;
- (d) subject to subsection (2), establish offences punishable on summary conviction for contravention of the regulations and set fines or terms of imprisonment or both for such offences;
- (e) establish a system of administrative monetary penalties applicable to contravention of specified provisions of the regulations and set the amounts of those penalties;

- (f) confer on any person the power to verify compliance with the regulations, including the power to seize and detain things found in the exercise of that power;
- (g) confer on any person the power to apply for a warrant to conduct a search of a place;
- (h) require the collection, recording and reporting of information relating to the quality of drinking water or relating to waste water;
- (i) prescribe rules respecting the confidentiality or disclosure of any information obtained under the regulations;
- (j) prescribe rules of procedure for hearings to be held in relation to a drinking water system or waste water system, including rules for the issuance of subpoenas to require the appearance of persons and the production of documents and rules requiring that evidence be given under oath;
- (k) prescribe the obligations of any person or body that exercises powers or performs duties under the regulations, and specify the penalties that apply in the event of the breach of those obligations;
- (l) set limits on the liability of any person or body exercising a power or performing a duty under the regulations, and establish defences and immunities for such a person or body;
- (m) require permits to be obtained as a condition of engaging in any activity on First Nation lands that could affect the quality of drinking water, or as a condition of engaging in any activity governed by the regulations, specify the terms and conditions of those permits and provide for their issuance, suspension and cancellation;
- (n) require that an assessment of the environmental effects of drinking water systems or waste water systems be undertaken, and establish a procedure to be followed in such assessments.
- (o) prescribing the persons, entities and facilities to which programs and other measures apply;
- (p) governing the economic and financial instruments to be used in programs and other measures.
- (q) prescribing requirements that must be met by persons, entities and facilities

to which programs and other measures apply, including requirements related to the emission, monitoring and reporting of contaminants;

(r) providing for or designating a person or body to administer programs and other measures.

Review or appeal in court of competent jurisdiction

(2) Unless otherwise provided by the regulations, review or appeal of the application of the powers and duties set out in the regulations may be conducted by a court of competent jurisdiction.

Construction permits

4 (1). The construction, connection, installation or repair of a system of drinking water or of waste water shall require a permit.

(2) Such a permit must be issued by the Sawridge First Nation based on plans issued by a professional engineer considered by his or her professional association to be qualified in drinking water or waste water construction.

(3) The Sawridge First Nation shall require such information as is required for the Sawridge First Nation to determine if the work proposed meets accepted standards.

(4) A person does not require a construction permit

(a) if the person is undertaking emergency repairs to a water supply system,

(b) for a water supply system that is a tank truck or a vehicle water tank, or

(c) for a small system, provided that a qualified official waives the requirement for a construction permit.

Operating permits

5 (1) A water supply system operating on Sawridge lands must be certified on an annual basis by a professional engineer qualified in water systems to be capable of safely producing and supplying drinking water which meets high international standards, and the water produced by the system shall be tested by a competent health officer on at least a monthly basis or whenever there are indications that a test is required so as to demonstrate that the water being supplied meets high internationally-accepted standards for water which is safe for human consumption.

(2) Drinking water imported into Sawridge Lands shall come from a water supply system certified in the same manner as if had come from a water supply system operating on Sawridge Lands and shall meet the same high standards to water for human consumption as it would be if it had been produced on Sawridge Lands.

(3) An operating permit automatically renews for further one year terms one year after the issuing of the permit unless the Sawridge First Nation or a competent health officer requires recertification.

6 (1) When a permit is issued pursuant to this section, the certifying officer shall issue an official decal to the water supplier demonstrating to the public that the certification has been issued and indicating the dates for which the certification is valid. .

(2) A second official decal shall be affixed to the operating permit.

(3) The Sawridge Council shall supply official decals to competent authorities requiring them for the issuing of permits.

(4) An operating permit not bearing a decal showing the dates for which it is valid is not valid.

(5) An operating permit or a decal is not transferable.

Water monitoring analysis

7 (1) A water supplier must transport water samples to a competent laboratory to be analyzed according to the standards set by the health officer in accordance with the procedures established by the health officer.

(2) A laboratory carrying out monitoring analyses as required by the health officer shall be approved in writing by the health officer.

(3) The laboratory shall issue copies of the analysis to the health officer, to the supplier, and to the Sawridge Council.

(4) Immediate reporting is required if the analysis indicates any situation which threatens the health of persons consuming the water.

Public notification

8 If water provided by a drinking water system is not or may not be safe drinking water, the owner of a public premises that is served by the drinking water system must do both of the following:

(a) notify the public that the water is not safe drinking water by posting a sign at every sink or drinking water fountain accessible to the public;

(b) if normal business practices provide an opportunity, verbally advise any

person who may use the drinking water system that the water is not safe drinking water.

- 9 An operator of a drinking water system or a supplier of drinking water on Sawridge Lands, or of drinking water imported onto Sawridge Lands, shall prepare and issue to the Sawridge Council one month before the end of the validity of the permit an annual report of the results of the monitoring required by this Act.

Qualification standards for persons operating water supply systems

10 (1) Operators of a drinking water system operating on Sawridge Lands, or exporting water into Sawridge Lands must hold a valid permit issued to water supply system operators by competent authorities.

(2) The Sawridge Council may decide if a particular permit meets the standards it required.

(3) The Sawridge Council may decide if a person involved in the operation of a drinking water system requires certification to operate, maintain or repair the system.

11 (1) A water supplier or a drinking water system operator must maintain and produce for inspection upon request of the Sawridge Council an emergency response and contingency plan containing, minimally,

(a) the names and telephone numbers of

(i) the management personnel for the water supply system,

(ii) the health officer and the certifying professional engineer;

(iii) other agencies and officials specified by either of these two officers;

(b) the persons referred to in paragraph (a) to be contacted in each type of emergency or abnormal operational circumstance;

(c) the steps to follow in the event of an emergency or abnormal operational circumstance;

(d) protocols to follow respecting public notice if an immediate reporting standard is not met.

(2) A water supplier or a drinking water system operator must

(a) make the emergency response and contingency plan accessible to the staff of the water supplier, and

(b) provide a copy of the emergency response and contingency plan to the

Sawridge Council.

(3) A water supplier must make a summary of the emergency response and contingency plan accessible to the users served by its water supply system.

(4) A water supplier must include in the summary referred to in subsection (3) any information that may reasonably pose a risk to the water supply system.

Well flood-proofing

12 The following persons must flood-proof their wells in a manner which may be set out by Regulation:

(a) the owner or operator of a well that provides or may provide drinking water and that is identified in an assessment as being at risk of flooding;

(b) the owner of a well that is for the purpose of supplying a water supply system.

Contamination Prevention

13 A response plan must include provisions to identify, eliminate and prevent cross connections with non-potable water sources.

Coming Into Force

14 The provisions of this Act come into force sixty days after passage of the Act.